

## **2005 DRAFTING REQUEST**

### **Senate Substitute Amendment (SSA-SB132)**

Received: **08/25/2005**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Ted Kanavas (608) 266-9174**

By/Representing: **mike**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Courts - immunity liability**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kanavas@legis.state.wi.us**

Carbon copy (CC:) to:

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#### **Pre Topic:**

No specific pre topic given

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#### **Topic:**

Payment of attorney fees for protective services officers

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#### **Instructions:**

See Attached

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#### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mlief 08/25/2005	lkunkel 08/26/2005		_____			
/1			pgreensl 08/26/2005	_____	lnorthro 08/26/2005	lnorthro 08/26/2005	
/2	chanaman 09/01/2005	wjackson 09/01/2005	pgreensl 09/01/2005	_____	lemery 09/01/2005	lemery 09/01/2005	

FE Sent For:

<END>

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/?	mlief 08/25/2005	lkunkel 08/26/2005		<u>9</u> <u>7</u>			
/1		12 WJ 9/1	pgreensl 08/26/2005	<u>11</u> <u>10</u>	lnorthro 08/26/2005	lnorthro 08/26/2005	

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q  
11p8 <END>

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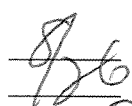

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/?	mlief	1/mlk 8/26					

FE Sent For:

<END>

2005 - 2006 LEGISLATURE

0189/11  
LRBs0179/1  
MJL:kjff  
9  
mlc

Due  
8/26

SENATE SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 132

August 12, 2005 - Offered by Senator KANAVAS.

ReGen

1 AN ACT *to renumber* 895.35; and *to create* 895.35 (2) of the statutes; relating  
2 to: payment of attorney fees of emergency medical services personnel, fire  
3 fighters, first responders, and law enforcement or correctional officers. ✓

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4 SECTION 1. 895.35 of the statutes is renumbered 895.35 (1).

5 SECTION 2. 895.35 (2) of the statutes is created to read:

6 895.35 (2) (a) In this subsection, "protective services officer" means an  
7 emergency medical technician or first responder under s. 146.50 (1) (e) to (hm), a fire  
8 fighter, or a law enforcement or correctional officer.

9 (b) <sup>(1)</sup> Notwithstanding sub. (1), the city, town, village, school district, technical  
10 college district, or county shall reimburse a protective services officer for reasonable  
11 attorney fees incurred by the officer in connection with a criminal proceeding arising

2. ...

(his or her official capacity)

1 from the officer's conduct in ~~the line of duty~~ unless, in relation to that conduct, any  
2 of the following applies:

3 a) 1. The officer is convicted of a crime.

4 b) 2. The officer's employment is terminated for cause.

5 c) 3. The officer resigns for reasons other than retirement before the attorney fees  
6 are incurred.

7 d) 4. The officer is demoted or reduced in rank.

8 e) 5. The officer is suspended without pay for 10 or more working days.

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to attorney fees incurred on the effective date of this  
11 subsection. ✓

12 (END)

¶ 2. If a collective bargaining agreement covering  
the protective services officer defines reasonable attorney  
fees for the purpose of subd(1), that definition  
shall apply. ✓



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0189/Y  
MJL:kjf&lmk:pg

stays

SENATE SUBSTITUTE AMENDMENT, ✓

TO 2005 SENATE BILL 132 ✓

Due  
Friday  
9/2

④10 ✓ Criminal proceeding ✓ means an  
action or proceeding under chs.  
967 to 979.0

④20

1 **AN ACT** <sup>Rege</sup> ~~to renumber~~ 895.35; and **to create** 895.35 (2) of the statutes; **relating**  
2 **to:** payment of attorney fees of emergency medical services personnel, fire  
3 fighters, first responders, and law enforcement or correctional officers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4 **SECTION 1.** 895.35 of the statutes is renumbered 895.35 (1).

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7 emergency medical technician or first responder under s. 146.50 (1) (e) to (hm), a fire  
8 fighter, or a law enforcement or correctional officer.

9 (b) 1. Notwithstanding sub. (1), the city, town, village, school district, technical  
10 college district, or county shall reimburse a protective services officer for reasonable  
11 attorney fees incurred by the officer in connection with a criminal proceeding arising

from the officer's conduct in <sup>the performance of official duties</sup> ~~his or her official capacity~~ unless, in relation to that conduct, any of the following applies:

- a. The officer is convicted of a crime.
- b. The officer's employment is terminated for cause.
- c. The officer resigns for reasons other than retirement before the attorney fees are incurred.
- d. The officer is demoted or reduced in rank.
- e. The officer is suspended without pay for 10 or more working days.

2. If a collective bargaining agreement covering the protective services officer defines reasonable attorney fees for the purpose of subd. 1., that definition shall apply.

### SECTION 3. Initial applicability.

(1) This act first applies to attorney fees incurred on the effective date of this subsection.

**(END)**